

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 PM-05 INR-07 L-03 ACDA-12
NSAE-00 PA-01 SS-15 PRS-01 SP-02 USIA-06 TRSE-00
CAB-02 COME-00 DODE-00 DOTE-00 EB-08 FAA-00 IO-13
/088 W

-----116383 211704Z /43

R 211529Z DEC 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 4191
CINC EUR VAIHINGEN
INFO CINC USAFE RAMSTEIN

C O N F I D E N T I A L SECTION 01 OF 02 BONN 21088

EUCOM FOR ECJ4/7

E.O. 11642: GDS
TAGS: MILI, GW
SUBJECT: FINANCIAL ARRANGEMENT CONCERNING US-FRG MOU
ON JOINT USE OF FRG CIVIL AIRFIELDS

REF: (A) USCINCEUR DTG 301759Z SEP 77, (B) PFUND
(EMBASSY BONN) MEMCON OF MARCH 22, 1977, (C) CASH-
VAN WELL (EMBASSY BONN) MEMCON OF DECEMBER 22, 1976

BEGIN SUMMARY: THE FRG FONOFF HAS SUCCEEDED IN ITS
EFFORTS TO MAKE THE SUBJECT MEMORANDUM OF UNDERSTANDING
(MOU) FULLY EFFECTIVE, LEAVING ASIDE FOR THE TIME BEING
THE QUESTION OF HOW FINANCIAL RESPONSIBILITY IS ULTIMATE-
LY TO BE BORNE BY THE US AND FRG GOVERNMENTS. THE
FEDERAL GOVERNMENT WILL BE COMMITTING ITSELF WITH RESPECT
TO THE FIVE AIRPORT COMPANIES TO SAVE THEM HARMLESS FROM
ANY FINANCIAL LOSSES IN CONNECTION WITH ACTUAL USES OF
THE AIRFIELDS ENVISAGED IN THE MOU, I.E., LANDING AND
PARKING FEES, AND LIABILITY VIS-A-VIS ANY DISPLACED
COMMERCIAL CARRIERS. A FONOFF REPRESENTATIVE ASKED
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EMBOFF TO ENSURE THAT WHEN GERMAN AUTHORITIES APPROACH
EUCOM/USAFE IN CONNECTION WITH THE CONCLUSION OF THE
ARRANGEMENTS INVOLVING THE AIRPORT COMPANIES, EUCOM/
USAFE NOT RPT NOT RAISE THE FINANCIAL AND LIABILITIES
ASPECTS, AS THOSE GERMAN AUTHORITIES WILL NOT BE FAMILIAR
WITH THE SAVE HARMLESS GUARANTEES TO THE AIRPORT COMPAN-
IES MADE BY THE FEDERAL GOVERNMENT. ANY RAISING OF

THOSE ASPECTS WOULD ONLY DELAY UNNECESSARILY THE CONCLUSION OF THE FINAL ARRANGEMENTS. THE FONOFF REP STATED THAT IN DUE COURSE THE FEDERAL GOVERNMENT WOULD RAISE WITH THE EMBASSY THE QUESTION OF HOW THE FINANCIAL AND LIABILITY BURDENS ARE TO BE BORNE BY THE FRG AND US GOVERNMENTS. END SUMMARY.

1. AT MEETING IN HIS OFFICE DECEMBER 21, RUMPF (FONOFF LEGAL SECTION) REVIEWED THE LONG HISTORY OF DIFFICULTIES ON THE FINANCIAL AND LIABILITY ASPECTS OF THE SUBJECT MOU (CONCLUDED NOVEMBER 7, 1974). RUMPF STATED THAT AFTER CONSIDERABLE FURTHER PULLING AND HAULING WITHIN THE FRG GOVERNMENT, AND AS RESULT OF MEETING OF STATE SECRETARIES OF THE COMPETENT MINISTRIES, INCLUDING VAN WELL OF FONOFF, THE FINANCE MINISTRY HAD FINALLY BEEN FORCED TO AGREE THAT THE FEDERAL GOVERNMENT WOULD PROVIDE THE AFFECTED AIRPORT COMPANIES WITH A SAVE HARMLESS GUARANTEE ANALOGOUS TO THAT PROVIDED BY ARTICLE 60 OF THE BUNDESLEISTUNGSGESETZ (BLG). IN THIS WAY THE AIRPORT COMPANIES WOULD BE SATISFIED THAT THEY WOULD NOT INCUR FINANCIAL LOSSES IN CONNECTION WITH US PLANE LANDINGS AND PARKING, AND ANY DISPLACEMENT OF SCHEDULED COMMERCIAL AIR TRAFFIC TO THOSE AIRPORTS' AS A RESULT OF US LANDINGS AND USE. THE FMOF AGREEMENT TO COME UP WITH THE TEMPORARY FINANCING WAS IN ORDER TO ENABLE THE ALL-BUT-CONCLUDED ARRANGEMENTS INVOLVING THE FINANCE AND CONFIDENTIAL

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TRANSPORTATION MINISTRIES, EUCOM/USAFE AND THE AIRPORT

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 21088

COMPANIES TO BE CONCLUDED. THIS DEVELOPMENT WOULD, IN
TURN, MEAN THAT THE MOU, CONCLUDED THREE YEARS AGO,
WOULD BECOME FULLY OPERABLE.

2. RUMPF EMPHASIZED THAT IT WAS NOW IMPORTANT THAT
EUCOM AND THE US AUTHORITIES INVOLVED UNDERSTAND THAT
THEY WERE NOT RPT NOT TO RAISE THE US VIEW THAT THE FRG
SHOULD ASSUME ALL COSTS AND LIABILITIES IN THIS CONNEC-
TION WHEN THE GERMAN AUTHORITIES SOON APPROACH THEM TO
CONCLUDE THE SUBSIDIARY ARRANGEMENTS. THOSE INVOLVED IN
THOSE ARRANGEMENTS WERE NOT INVOLVED IN THE FMOF ASSUMP-
TION OF SAVE HARMLESS RESPONSIBILITY VIS-A-VIS THE AIR-
PORT COMPANIES, AND WOULD NOT BE FULLY INFORMED OF THE
BACKGROUND OF THE NEW FEDERAL GOVERNMENT DECISION IN
THIS MATTER. WERE THE FINANCIAL AND LIABILITY ISSUE
RAISED BY THE US SIDE, IT WOULD MEAN THAT THE GERMAN
AUTHORITIES WOULD REFER THE MATTER BACK TO OTHERS,
ENSURING NOTHING BUT CONFUSION AND DELAY--THE VERY THING
THE FONOFF WAS TRYING FINALLY TO BRING TO AN END.

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3. AS FOR THE FINAL SETTLEMENT OF THE QUESTION WHO
WOULD ULTIMATELY ASSUME THE FINANCIAL AND LIABILITY COST
BURDEN IF AND WHEN THE MOU IS ACTUALLY IMPLEMENTED,
RUMPF SAID THAT QUESTION WOULD BE RAISED BY THE FEDERAL
GOVERNMENT WITH THE EMBASSY AT SOME FUTURE TIME. FOR
THE TIME BEING, HOWEVER, THAT QUESTION WOULD REMAIN
UNSETTLED IN THE FORMAL SENSE.

4. EMBASSY REQUESTS THAT EUCOM AND USAFE ENSURE THAT
THE OFFICES INVOLVED IN THE CONCLUSION OF THE SUBSIDIARY
ARRANGEMENTS INVOLVING THE AIRPORT COMPANIES DO NOT
RAISE OR BECOME EMBROILED WITH THE GERMAN AUTHORITIES
IN DISCUSSION OF THE FINANCIAL OR LIABILITY ASPECTS OF
THE MOU.

5. EMBASSY IS POUCHING COPIES OF THE REFERENCED MATERIAL
TO EUR/CE-KLINGAMAN FOR BACKGROUND INFORMATION
STOESSEL

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Message Attributes

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